

State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-0391/3

RAC:jld:ch

1/21

RMR

DOA:.....Statz, BB0140 - BCPL timberland investment authority

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

do not go ✓

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**STATE GOVERNMENT**

**STATE FINANCE**

Under current law, the Board of Commissioners of Public Lands (BCPL) may invest moneys in the common school fund, the normal school fund, the university fund, and the agricultural college fund in certain specified investments. These include bonds or notes of the United States; bonds issued by this state or the UW Hospitals and Clinics Authority; and bonds issued by a town, village, city, county, or school district or certain other special districts in the state.

This bill authorizes BCPL to invest moneys in the common school fund, the normal school fund, the university fund, and the agricultural college fund in the purchase of land in this state, but establishes certain conditions on the purchase of this land. First, the land must be within any applicable consolidation area approved by BCPL; second, the total acreage of public lands managed by BCPL must not exceed the total acreage of public lands managed by BCPL on the bill's effective date; and, finally, BCPL must determine that the purchase of the land will improve timberland management, address forest fragmentation, and increase public access to the land. The bill also provides that, if the land at the time of purchase was subject to assessment or levy of a real property tax, BCPL must make annual payments in lieu of property taxes to the appropriate local governmental unit in an amount equal to that assessed or levied on the land in the year before the sale of land to the state.

✓

Text Analysis

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1       **SECTION 1.** 20.507 (1) (kd) of the statutes is created to read:

2       20.507 (1) (kd) *Payments in lieu of property taxes.* All moneys transferred from  
3 the appropriate trust funds, as defined in s. 24.60 (5), to make the payments required  
4 under s. 24.62 (3).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5       **SECTION 2.** 24.11 (1) (c) of the statutes is created to read:

6       24.11 (1) (c) Unless otherwise required by law to be deposited into a fund other  
7 than any of the trust funds, as defined in s. 24.60 (5), all moneys received from the  
8 sale of public lands that occurs on or after the effective date of this paragraph ....  
9 [revisor inserts date], shall be credited to the account established under s. 24.605 in  
10 the appropriate trust fund.

11       **SECTION 3.** 24.20 of the statutes is amended to read:

12       **24.20 Payments and accounts.** All money paid on account of sales of public  
13 lands shall be paid to the secretary of administration who shall then credit the  
14 account established under s. 24.605 in the proper fund therewith, crediting the  
15 general fund with the proceeds of sales of Marathon County lands, and the secretary  
16 of administration or the secretary's designee, upon countersigning the receipt given  
17 therefor, shall enter the name of the person paying the same, the number of the  
18 certificate, if any, upon which the amount shall be paid, and the time of the payment.

19       **SECTION 4.** 24.605 of the statutes is created to read:

1           **24.605 Accounts in trust funds for deposit of proceeds from sale of**  
2 **lands.** The board shall establish in each of the trust funds an account to which are  
3 credited the proceeds from the sale of any public lands that are required by law to  
4 be deposited in the trust funds. Moneys credited to any such account may only be  
5 used to invest in land under s. 24.61 (2) (a) 10. and for the payment of expenses  
6 necessarily related to investing in land under s. 24.61 (2) (a) 10., including payments  
7 under s. 24.62 (3).

8           **SECTION 5.** 24.61 (2) (a) 10. of the statutes is created to read:

9           24.61 (2) (a) 10. Land in this state, but subject to the condition established  
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15           2. The total acreage of public lands managed by the board does not exceed the  
16 total acreage of public lands managed by the board on the effective date of this  
17 subdivision .... [revisor inserts date].

- 18           3. The board determines that the purchase of the land will improve timberland  
19 management, address forest fragmentation, and increase public access to the land.

20           **SECTION 7.** 24.62 (3) of the statutes is created to read:

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23 annual payments in lieu of property taxes to the appropriate local governmental unit  
24 in an amount equal to ~~that assessed or levied on the land in the year before the sale~~

1 off land to the state. The payments shall be made from the appropriation under s.

2 20.507 (1) (kd).

3

(END)

Insert ✓  
4-1

**2005-2006 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0391/4ins  
RAC::

**Insert Analysis:**

~~NO~~ 74<sup>✓</sup> cents per acre if the land is open to public access or \$1<sup>✓</sup> per acre if the land  
is closed to public access ~~NO~~

**insert 4-1:**

~~NO~~ 74 cents per acre if the land is open to public access or \$1 per acre if the land  
is closed to public access ~~NO~~

## Champagne, Rick

---

**From:** Statz, Andrew  
**Sent:** Friday, January 21, 2005 9:56 AM  
**To:** Champagne, Rick  
**Subject:** RE:

Yes, please make the change.

-----Original Message-----

**From:** Champagne, Rick [mailto:Rick.Champagne@legis.state.wi.us]  
**Sent:** Friday, January 21, 2005 9:51 AM  
**To:** Statz, Andrew  
**Subject:**

Andrew:

I'm looking over 05-0391/4 and have a question regarding public access to lands purchased under the new BCPL investment option. The assessment for aids in lieu of property taxes is a certain amount if the land is closed to the public, but one of the criteria under s. 24.61 (2) (c) 3. for the purchase in the first place is that it will increase public access to the land. How can increasing public access be a criteria for the purchase, but keeping the land closed to the public be a possibility? Maybe you want to take out the word "and" on page 3, line 19 and replace it with "or".

Rick Champagne  
Senior Staff Counsel  
Legal Section  
Wisconsin Legislative Reference Bureau  
1 East Main St.  
Suite 200  
Madison, WI 53703  
(608) 266-9930  
FAX (608) 264-6948  
rick.champagne@legis.state.wi.us



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-0391/4

RAC:jld:rs

TODAY

RMR

DOA:.....Statz, BB0140 - BCPL timberland investment authority

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*D-Nate*  
State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-0391/5

RAC:jld:ch

DOA:.....Statz, BB0140 - BCPL timberland investment authority

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3 (END)

*D-Note*

*This version simply renumbers  
s. 24.61(2)(c) to s. 24.61(2)(c<sup>✓</sup>m).*

*RAC*

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0391/6dn  
RAC:jld:jf

January 25, 2005

This version simply renumbers s. 24.61 (2) (c) to s. 24.61 (2) (cm).

Rick A. Champagne  
Senior Legislative Attorney  
Phone: (608) 266-9930  
E-mail: rick.champagne@legis.state.wi.us



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-0391/6 7

RAC:jld:jf

Tulan

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B

Normal school fund

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LRB-0391/7 8

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*appropriate trust fund, except that ~~none~~ any such moneys deposited in*

*the normal school fund shall be credited to the*

24.61 **(2)** (a) 10. Land in this state, but subject to the condition established under par. (cm).

**SECTION 5.** 24.61 (2) (cm) of the statutes is created to read:

24.61 (2) (cm) *Investments in land in this state.* The board may not invest moneys in the purchase of any land under par. (a) 10. unless all of the following occur:

1. The land is within any applicable consolidation area approved by the board.

2. The total acreage of public lands managed by the board does not exceed the total acreage of public lands managed by the board on the effective date of this subdivision .... [revisor inserts date].

3. The board determines that the purchase of the land will improve timberland management, address forest fragmentation, or increase public access to the land.

**SECTION 6.** 24.62 (3) of the statutes is created to read:

24.62 (3) If any land purchased under s. 24.61 (2) (a) 10. was at the time of purchase subject to assessment or levy of a real property tax, the board shall make annual payments in lieu of property taxes to the appropriate local governmental unit in an amount equal to 74 cents per acre. The payments shall be made from the appropriation under s. 20.507 (1) (kd).

**(END)**

## Champagne, Rick

---

**From:** Grinde, Kirsten  
**Sent:** Thursday, January 27, 2005 4:16 PM  
**To:** Champagne, Rick  
**Cc:** Statz, Andrew  
**Subject:** FW: land bank

FYI. The comments from BCPL. While I'm still not sure why they feel limited to 40 acre parcels, she points to s. 24.06. Regarding the sealed bid item, she points to s. 24.32.

For her third item, please suggest an approach -- the payments in lieu of taxes is ongoing, so it may not be feasible in the long run to limit the payment to proceeds from sales. I'm not as concerned with the administrative costs related to the land transactions -- presumably current law covers the administrative costs of the sale; so the proceeds would only have to cover the purchase side, and I'm not sure that the costs related to the purchase would be that significant.

Thanks again,

Kirsten

-----Original Message-----

**From:** Nelson, Tia  
**Sent:** Thursday, January 27, 2005 3:59 PM  
**To:** Grinde, Kirsten  
**Cc:** Statz, Andrew  
**Subject:** FW: land bank

Kirsten, I meant to copy you as we discussed. I sent this moments ago to Andrew. I appreciate Andrew and you discussing this and seeing what's possible, and am grateful to both of you for giving us further consideration.

Tia Nelson, Executive Secretary  
Board of Commissioners of Public Lands  
125 S. Webster Street, Room 200  
PO Box 8943  
Madison, WI 53708-8943  
(608) 266-8369 (608) 267-2787 - Fax  
[tia.nelson@bcpl.state.wi.us](mailto:tia.nelson@bcpl.state.wi.us)  
<http://bcpl.state.wi.us>

-----Original Message-----

**From:** Nelson, Tia  
**Sent:** Thursday, January 27, 2005 3:54 PM  
**To:** Statz, Andrew  
**Subject:** land bank

Thanks Andrew. I appreciate the chance to review the language. I see that the Marathon County language has been removed, which is great. Certain other changes also helped simplify the bill.

The most critical change in the statutory language that we still need in order to make this proposal functional is the ability to sell more than 40 acres at a time. Since this legislation relates to the sale of lands [lands associated with the Normal School Fund to be specific] it would seem germane to specify that these lands can be sold as whole parcels. Otherwise we will end up with more habitat fragmentation, land-locked parcels and greater management problems, not less, which is counter to the intent of the legislation. Such a change would require a short sentence under 24.06.

The second most important issue is being able to sell by sealed bid- common practice today. Doing it by public auction costs the state more money. This would require the addition of 3 words in 24.32

Thirdly, to be consistent with the current statutory authority to pay for the costs of managing the land from the income of the trust funds, we need the authority to pay for these land transactions and payments in lieu of taxes from the income of the normal school fund under s.24.04 rather than from the proceeds of the sales of land.

These changes, are important to our successfully using the expanded authority which we are requesting.

Lastly, if the LRB analysis could at least include an introductory sentence regarding our current authority to sell and trade land, and to the intent of this legislation regarding land management it would make a huge difference. It is after all the topic at hand. As it is now the whole first paragraph refers to bonds investment authority for funds we are not seeking any change to. This is language from a previous, very different proposal, which has zero chance of passage.

Any consideration you can give this would be greatly appreciated.  
Tia

Tia Nelson, Executive Secretary  
Board of Commissioners of Public Lands  
125 S. Webster Street, Room 200  
PO Box 8943  
Madison, WI 53708-8943  
(608) 266-8369 (608) 267-2787 - Fax  
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State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-0391/8

RAC:jld:rs

RMR

DOA:.....Statz, BB0140 - BCPL timberland investment authority

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

Don't gen

1

AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**STATE GOVERNMENT**

**STATE FINANCE**

Under current law, the Board of Commissioners of Public Lands (BCPL) may invest moneys in the common school fund, the normal school fund, the university fund, and the agricultural college fund in certain specified investments. These include bonds or notes of the United States; bonds issued by this state or the UW Hospitals and Clinics Authority; and bonds issued by a town, village, city, county, or school district or certain other special districts in the state.

This bill authorizes BCPL to invest moneys in the purchase of land in this state, but establishes certain conditions on the purchase of this land. First, the land must be within any applicable consolidation area approved by BCPL; second, the total acreage of public lands managed by BCPL must not exceed the total acreage of public lands managed by BCPL on the bill's effective date; ~~and~~ finally, BCPL must determine that the purchase of the land will improve timberland management, address forest fragmentation, or increase public access to the land. The bill also provides that, if the land at the time of purchase was subject to assessment or levy of a real property tax, BCPL must make annual payments in lieu of property taxes to the appropriate local governmental unit in an amount equal to 74 cents per acre.

Finally, the bill does not affect BCPL's current authority to sell or exchange lands, but does provide that resold public lands may be by sealed bid or at public auction.

third, the moneys must be derived from the sale of public lands in the future; and

for investment purposes

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           SECTION 1. 20.507 (1) (kd) of the statutes is created to read:

2           20.507 (1) (kd) *Payments in lieu of property taxes.* All moneys transferred from  
3 the appropriate trust funds, as defined in s. 24.60 (5), to make the payments required  
4 under s. 24.62 (3).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5           SECTION 2. 24.11 (1) (c) of the statutes is created to read:

6           24.11 (1) (c) Unless otherwise required by law to be deposited into a fund other  
7 than any of the trust funds, as defined in s. 24.60 (5), all moneys received from the  
8 sale of public lands that occurs on or after the effective date of this paragraph ....  
9 [revisor inserts date], shall be credited to the appropriate trust fund, except that any  
10 such moneys deposited in the normal school fund shall be credited to the account  
11 established under s. 24.605 in the normal school fund.

12          SECTION 3. 24.605 of the statutes is created to read:

13          **24.605 Accounts in normal school fund for deposit of proceeds from**  
14 **sale of lands.** The board shall establish in the normal school fund an account to  
15 which are credited the proceeds from the sale of any public lands that are required  
16 by law to be deposited in the normal school fund. Moneys credited to the account may  
17 only be used to invest in land under s. 24.61 (2) (a) 10. and for the payment of  
18 expenses necessarily related to investing in land under s. 24.61 (2) (a) 10. *including*  
19 *payments under s. 24.62 (3)*

20          SECTION 4. 24.61 (2) (a) 10. of the statutes is created to read:

24.61 **(2)** (a) 10. Land in this state, but subject to the condition established under par. (cm).

**SECTION 5.** 24.61 (2) (cm) of the statutes is created to read:

24.61 (2) (cm) *Investments in land in this state.* The board may not invest moneys in the purchase of any land under par. (a) 10. unless all of the following occur:

1. The land is within any applicable consolidation area approved by the board.

2. The total acreage of public lands managed by the board does not exceed the total acreage of public lands managed by the board on the effective date of this subdivision .... [revisor inserts date].

3. The board determines that the purchase of the land will improve timberland management, address forest fragmentation, or increase public access to the land.

**SECTION 6.** 24.62 (3) of the statutes is created to read:

24.62 (3) If any land purchased under s. 24.61 (2) (a) 10. was at the time of purchase subject to assessment or levy of a real property tax, the board shall make annual payments in lieu of property taxes to the appropriate local governmental unit in an amount equal to 74 cents per acre. The payments shall be made from the appropriation under s. 20.507 (1) (kd).

**(END)**

**2005-2006 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0391/9ins  
RAC::

**Insert 2-5:**

**SECTION 1.** 24.06<sup>✓</sup> of the statutes is amended to read:

**24.06 Plat of lands.** The board may subdivide any parcel of public lands into smaller parcels or village lots, with streets and alleys if necessary, whenever it believes a larger net price can be obtained by selling the land in such smaller parcels or lots. A survey and plat of such subdivision, verified by its maker as true and correct, shall be returned and recorded in the office of the board, and the parcels or lots designated thereon shall be appraised before they are offered for sale. Such subdivision shall be ordered, the proceedings therefor governed and such appraisal made in substantial accord with s. 24.08. Nothing<sup>✓</sup> in this section<sup>✓</sup> shall prohibit the board<sup>✓</sup> from selling any parcel of public lands as a whole parcel.

**Insert 2-12:**

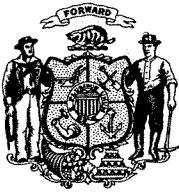
**SECTION 2.** 24.32<sup>✓</sup> (1) of the statutes is amended to read:

24.32 (1) Unless such resale be prevented by payment as hereinbefore provided by s. 24.29, such lands shall ~~shall~~<sup>may<sup>✓</sup></sup> be offered for sale by sealed bid<sup>✓</sup> or at public auction to the highest bidder, in the manner and upon the terms provided, for original sales, and if not then sold shall be subject to private entry thereafter.

History: 1991 a. 316; 2003 a. 33.

**Insert 3-12:**

4. The moneys are derived from the sale of public lands on or after the effective date of this subdivision<sup>✓</sup>.... [revisor inserts date].



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-0391/9

RAC:jld:pg

DOA:.....Statz, BB0140 - BCPL timberland investment authority

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

**STATE GOVERNMENT**

**STATE FINANCE**

Under current law, the Board of Commissioners of Public Lands (BCPL) may invest moneys in the common school fund, the normal school fund, the university fund, and the agricultural college fund in certain specified investments. These include bonds or notes of the United States; bonds issued by this state or the UW Hospitals and Clinics Authority; and bonds issued by a town, village, city, county, or school district or certain other special districts in the state.

This bill authorizes BCPL to invest moneys in the purchase of land in this state, but establishes certain conditions on the purchase of this land for investment purposes. First, the land must be within any applicable consolidation area approved by BCPL; second, the total acreage of public lands managed by BCPL must not exceed the total acreage of public lands managed by BCPL on the bill's effective date; third, the moneys must be derived from the sale of public lands in the future; and finally, BCPL must determine that the purchase of the land will improve timberland management, address forest fragmentation, or increase public access to the land. The bill also provides that, if the land at the time of purchase was subject to assessment or levy of a real property tax, BCPL must make annual payments in lieu of property taxes to the appropriate local governmental unit in an amount equal to 74 cents per acre. Finally, the bill does not affect BCPL's current authority to sell or

exchange lands, but does provide that resale of public lands may be by sealed bid or at public auction.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1       **SECTION 1.** 20.507 (1) (kd) of the statutes is created to read:

2           20.507 (1) (kd) *Payments in lieu of property taxes.* All moneys transferred from  
3 the appropriate trust funds, as defined in s. 24.60 (5), to make the payments required  
4 under s. 24.62 (3).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5       **SECTION 2.** 24.06 of the statutes is amended to read:

6           **24.06 Plat of lands.** The board may subdivide any parcel of public lands into  
7 smaller parcels or village lots, with streets and alleys if necessary, whenever it  
8 believes a larger net price can be obtained by selling the land in such smaller parcels  
9 or lots. A survey and plat of such subdivision, verified by its maker as true and  
10 correct, shall be returned and recorded in the office of the board, and the parcels or  
11 lots designated thereon shall be appraised before they are offered for sale. Such  
12 subdivision shall be ordered, the proceedings therefor governed and such appraisal  
13 made in substantial accord with s. 24.08. Nothing in this section shall prohibit the  
14 board from selling any parcel of public lands as a whole parcel.

15       **SECTION 3.** 24.11 (1) (c) of the statutes is created to read:

16           24.11 (1) (c) Unless otherwise required by law to be deposited into a fund other  
17 than any of the trust funds, as defined in s. 24.60 (5), all moneys received from the  
18 sale of public lands that occurs on or after the effective date of this paragraph ....  
19 [revisor inserts date], shall be credited to the appropriate trust fund, except that any

1 such moneys deposited in the normal school fund shall be credited to the account  
2 established under s. 24.605 in the normal school fund.

3 **SECTION 4.** 24.32 (1) of the statutes is amended to read:

4 24.32 (1) Unless such resale be prevented by payment as hereinbefore provided  
5 by s. 24.29, such lands shall may be offered for sale by sealed bid or at public auction  
6 to the highest bidder, in the manner and upon the terms provided, for original sales,  
7 and if not then sold shall be subject to private entry thereafter.

8 **SECTION 5.** 24.605 of the statutes is created to read:

9 **24.605 Accounts in normal school fund for deposit of proceeds from**  
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11 which are credited the proceeds from the sale of any public lands that are required  
12 by law to be deposited in the normal school fund. Moneys credited to the account may  
13 only be used to invest in land under s. 24.61 (2) (a) 10. and for the payment of  
14 expenses necessarily related to investing in land under s. 24.61 (2) (a) 10.

15 **SECTION 6.** 24.61 (2) (a) 10. of the statutes is created to read:

16 24.61 (2) (a) 10. Land in this state, but subject to the condition established  
17 under par. (cm).

18 **SECTION 7.** 24.61 (2) (cm) of the statutes is created to read:

19 24.61 (2) (cm) *Investments in land in this state.* The board may not invest  
20 moneys in the purchase of any land under par. (a) 10. unless all of the following occur:

- 21 1. The land is within any applicable consolidation area approved by the board.  
22 2. The total acreage of public lands managed by the board does not exceed the  
23 total acreage of public lands managed by the board on the effective date of this  
24 subdivision .... [revisor inserts date].

3. The board determines that the purchase of the land will improve timberland management, address forest fragmentation, or increase public access to the land.

4. The moneys are derived from the sale of public lands on or after the effective date of this subdivision .... [revisor inserts date].

**SECTION 8.** 24.62 (3) of the statutes is created to read:

24.62 (3) If any land purchased under s. 24.61 (2) (a) 10. was at the time of purchase subject to assessment or levy of a real property tax, the board shall make annual payments in lieu of property taxes to the appropriate local governmental unit in an amount equal to 74 cents per acre. The payments shall be made from the appropriation under s. 20.507 (1) (kd).

**(END)**